

Insights: Publications

Likelihood of Confusion Surveys: The Ever-Constant Eveready Format; The Ever-Evolving Squirt Format

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It is axiomatic that appreciable trademark confusion cannot arise absent appreciable opportunities for consumers to compare the marks at issue. Likelihood of confusion surveys have thus historically involved searches for real world scenarios (i) where marks simultaneously exist in a consumer's cognitive workspace (ii) sufficiently for a comparison to occur.

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